



The Tennessee Open Meetings Act passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate public notice of such meeting.

**TENNESSEE DEPARTMENT OF HEALTH  
MEMORANDUM**

**Date:** May 18, 2017  
**To:** Woody McMillin, Director of Communication and Media Relations  
**From:** Wanda E. Hines, Board Administrator

**Name of Board or Committee:** Board for Licensing Health Care Facilities Board Meeting  
**(Call-in Number: 1-888-757-2790 passcode: 152602#)**

**Date of Meeting:** June 7-8, 2017  
**Time:** 9:00 a.m. – 5:00 p.m.  
**Place:** Iris Conference Room  
665 Mainstream Drive, First Floor  
Nashville, TN 37243

**Major Item(s) on Agenda:** See attachment.

This memo shall be forwarded from individual programs to the Public Information Office on the 15th day of the preceding month. The Public Information Office will prepare the monthly list of meetings within the Department and have ready for distribution to state media by the 28th day of the preceding month.

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**JOHN J. DREYZEHNER, MD, MPH**  
COMMISSIONER

**BILL HASLAM**  
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND  
IMPROVE THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE*

**TENTATIVE AGENDA**

**BOARD FOR LICENSING HEALTH CARE FACILITIES**

**JUNE 7-8, 2017**

**IRIS CONFERENCE ROOM, FIRST FLOOR**

**PLEASE REMEMBER TO SILENCE YOUR ELECTRONIC DEVICES WHEN  
THE BOARD IS IN SESSION**

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- 1. WELCOME NEW BOARD MEMBERS:** Chuck V. Griffin, Architect Representative replacing David Rhodes and Evelyn J. Brock, D.O., Osteopath Representative replacing Michael Miller, D.O. Reappointments of Mr. Joshua Crisp, Assisted Care Living Representative and Mr. Robert Breeden, Nursing Home Industry Representative.
- 2. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
- 3. CONTESTED CASE HEARING(S).**
- 4. RULEMAKING HEARINGS-**Notice of Rulemaking Hearings can be viewed online at:
- 5. REPORTS.**
  - A. EMS REPORT -** Robert Seesholtz
  - B. NURSE AIDE REPORT –** Wanda King
  - C. OFFICE OF GENERAL COUNSEL REPORT –** Caroline Tippens

**6. LICENSE STATUS REQUESTS.**

**MILAN HEALTH CARE CENTER, MILAN**

This sixty-six (66) nursing home bed facility is seeking to place their license on inactive status. The facility ceased operations on December 23, 2016. This date is desired for the effective date of the inactive status. This facility desires to retain the rights to the sixty-six (66) beds upon assuming inactive status.

**Representative(s):** Michaela D. Poizner, Attorney

**SISKIN HOSPITAL'S SUBACUTE REHABILITATION PROGRAM, CHATTANOOGA**

This twenty-nine (29) bed nursing home facility is seeking to place their license on inactive status. Siskin has determined that the space containing the 29-bed unit should be converted to use for 29 inpatient rehabilitation hospital beds. Siskin plan to cease new admissions to the unit effective March 1, 2017, with the expectation no patients will be in the unit by April 1, 2017.

**Representative(s):** Dan Elrod, Attorney

**SISKIN HOSPITAL FOR PHYSICAL REHABILITATION, CHATTANOOGA**

This eighty (80) bed hospital is requesting to increase their rehabilitation beds count by eight (8) beds for a total of eighty-eight (88) beds. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g). Siskin is using space formerly occupied by Siskin Subacute Rehab Program.

**REPRESENTATIVE(S):** Dan H. Elrod, Attorney

**7. WAIVER REQUESTS.**

**A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE.**

- (1) Poplar Point Health and Rehabilitation, Memphis  
- Jodie Cortez Montgomery, Interim Administrator

**B. OTHER WAIVER REQUEST(S)**

**PENTEC HEALTH, INC., NASHVILLE**

This home health agency is seeking to waive two provisions: Home Health Services Rule 1200-08-26-.06(2) regarding a written summary report for each patient must be sent to the attending physician at least every 62 days and Home Health Services Rule 1200-08-26-.06(3)(b) regarding plan of care of a patient must be reviewed by attending physician and agency personnel as the severity of the patient's condition at least once every 62 days. Pentec's believes their staffing plan and existing policies for management of medical plans of care and nurse reporting meets the intent of the standards.

**REPRESENTATIVE(S):** Richard Leigh, Attorney

**BIG SOUTH FORK MEDICAL CENTER, ONEIDA**

This facility is seeking to request a waiver of the 2010 Guidelines for Design and Construction of Health Care Facilities (FGI) guidelines 2.2-3.1.3.6(9) requirement for an emergency department to have a decontamination room.

**REPRESENTATIVE(S):** Tony Taylor, CEO

**SELECT SPECIALTY HOSPITAL-NASHVILLE, NASHVILLE**

Select Medical Corporation and its affiliated hospitals in Tennessee are requesting the Board to make a determination regarding compliance with Pediatric Emergency Care Facilities Rule 1200-08-30 and the Board to take the necessary action to remove any obligation to maintain any PECF designation (including the provision of any pediatric emergency services) and to consider a waiver for the noted hospitals relieving the hospitals of any requirements to comply. Select Specialty Hospital-Nashville was cited with this deficiency. Select Medical operates five long-term acute care hospitals, each has always been licensed as a Chronic Disease Hospital under Rule 1200-08-01-.01(37)(g).

**REPRESENTATIVE(S):** Byron R. Trauger, Attorney

**MEMORIAL HOSPITAL AND MEMORIAL HOSPITAL HIXSON**

Memorial Hospital, a three hundred thirty-six (336) acute beds and Memorial Hospital Hixson, a sixty-nine (69) acute beds are requesting to increase their general acute care beds. Memorial Hospital is requesting to increase their general acute care bed count by thirty-three (33) beds which will be a total of three hundred sixty-nine (369) beds. Memorial Hospital, Hixson is requesting to increase their general acute care beds count by six (6) beds which will be a total of seventy-five (75) beds. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g). Memorial Hospital and Memorial Hospital Hixson consistently experiences extremely high census days exceeding the established licensed capacity as evidence by the notification from the State which created the need for additional licensed beds.

**REPRESENTATIVE(S):** Dan H. Elrod, Attorney

**HEALTHSOUTH CANE CREEK REHABILITATION HOSPITAL, MARTIN AND HEALTH SOUTH REHABILITATION HOSPITAL NORTH MEMPHIS, MEMPHIS**

HealthSouth Corporation and its affiliated hospitals in Tennessee are requesting the Board to make a determination regarding compliance with Pediatric Emergency Care Facilities Rule 1200-08-30-.02 ("P" Tag 200) and the Board to take the necessary action to remove any obligation to maintain any PECF designation (including the provision of any pediatric emergency services) and to consider a waiver for the noted hospitals relieving the hospitals of any requirements to comply. Both hospitals HealthSouth Cane Creek Rehabilitation Hospital, Martin and Health South Rehabilitation Hospital North Memphis, Memphis were both cited with the same deficiency. Both hospitals are licensed as rehabilitation hospitals under Rule 1200-08-01-.01(37)(g).

**REPRESENTATIVE(S):** Chris Puri, Attorney

**CURAHEALTH NASHVILLE, LLC, NASHVILLE**

This long-term acute care hospital is requesting the Board to make a determination regarding compliance with Pediatric Emergency Care Facilities Rule 1200-08-30-.02 and the Board to take the necessary action to remove any obligation to maintain any PECF designation (including the provision of any pediatric emergency services) and to consider a waiver for the noted hospital relieving the hospital of any requirements to comply. Curahealth Nashville, LLC was cited for not complying with the requirement of Pediatric Basic Hospital. This hospital through the Change of Ownership application and selected the institution classification of “Chronic Disease” hospital. The new license included Pediatric Basic and Chronic Disease Hospital.

**REPRESENTATIVE(S):** Tom Rone, CEO

**8. DISCUSSION(S).**

**A.** Tennessee Board for Licensing Health Care Facilities 2015 Performance Audit Report Updates on progress to address identified items. – Vincent Davis, Director

**B. FRIENDSHIP HAVEN HOME FOR THE AGED, CHATTANOOGA**  
This Residential Home for the Aged (RHA) request to appeal the Board decision to deny the waiver of RHA Rule 1200-08-07(18)b which allows no more than two beds in a room. Friendship Haven came before the Board in May 6, 2015 requesting to waive this rule and utilize the use of three (3) beds in a room as the previous operator but was denied.

**REPRESENTATIVE(S):** David Machoka, President

**C. MEMORIAL HEALTH CARE SYSTEM, CHATTANOOGA (AND HIXSON)**  
This hospital is licensed for 405 beds which 336 beds at Memorial Glenwood campus and 69 beds at Memorial Hixson campus. The hospital has exceeded its licensed bed capacity due to above average admissions through the emergency department and by above average surgery schedules. According to Hospital Rule 1200-08-01-.05(23) Memorial Health Care System is required to self-report this situation within forty-eight (48) hours. The facility failed to make notice within the required timeframe of the need to exceed its licensed bed capacity.

**REPRESENTATIVE(S):** Larry Schumacher, Chief Executive Director

**D.** Request to Revise all Initials and Change of Ownership (CHOWS) applications regarding Question #6 disciplinary actions.

**E. BOARD APPROVAL FOR THE FOLLOWING INTERPRETATIVE GUIDELINES**

- (1) Ambulatory Surgical Treatment Center (ASTC) Interventional Pain 1200-08-10-.06(13)
- (2) Pediatric Emergency Care Facility (PECF) & Hospital Designation 1200-08-01-.01(37)(g) & 1200-08-30-.02
- (3) Meaning of Home for the Aged “Short-Term” in Rule 1200-08-11-.05(4).

**9. APPROVAL OF MINUTES.**

- A. Board Meeting – February 8, 2017
- B. Performance Improvement Issue Standing Committee Meeting-April 18, 2017
- C. Assisted Care Living Facility Standing Committee Meeting – April 18, 2017
- D. Assisted Care Living Facility Standing Committee Meeting – May 15, 2017

**10. CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS).**

**A. CONSIDERATION.**

**(CHOWS)**

**B. RATIFICATION.**

**1. QUALIFYING APPLICATIONS**

**(INITIALS)**

**(a) Assisted Care Living Facility**

Dominion Senior Living of Hixson, Chattanooga  
Dominion Senior Living of Bristol, Bristol  
Memory Assisted Living at Uplands Village, Pleasant Hill  
The Pointe at Lifespring Senior Living, Knoxville  
The Waterford In Hermitage, Hermitage

**(b) End Stage Renal Disease Facility**

Fresenius Medical Care Raleigh Bartlett, Memphis

**(c) Home for the Aged**

Grace House, Murfreesboro  
His House, Cookeville  
Lynch’s Residential Home Care for the Elderly, LLC, Cedar Hill

**(d) Home Medical Equipment Facility**

Ampro Medical, Chattanooga  
Novocure, Inc., Memphis  
RespirTech, Nashville  
Synergy Health Solutions, LLC, Halls  
WellSpring Medical Supply, LLC, Smyrna

**(e) Nursing Homes**

Life Care Center of East Ridge, East Ridge

**(f) Professional Support Services**

Better Life Therapies, LLC, Antioch

**(g) Outpatient Diagnostic Center**

Tennessee Imaging and Vein Center, Chattanooga

**(h) Traumatic Brain Injury (TBI) Residential Home**

21<sup>st</sup> Century Living Services, Inc., Gallatin (Leigh Lane location)  
21<sup>st</sup> Century Living Services, Inc., Gallatin (Hartsville Lane location)

**2. (CHOWS)**

**(a) Hospice Facility**

HighPoint Hospice, Gallatin

**(b) Nursing Homes Facility**

Lakebridge, A Waters Community, Johnson City  
The Waters of Clinton, Clinton  
The Waters of Johnson City, Johnson City  
The Waters of Smyrna, Smyrna  
The Waters of Winchester, Winchester

**(c) Assisted Care Living Facility**

Athens Place, Athens  
J. B. Knowles Home Assisted Living, Nashville f/k/a Autumn Hills

**11. LICENSE STATUS UPDATES.**

**\*FACILITY CLOSURES**

See attachment.

**12. BOARD POLICY CONSENTS.**

**A. THE FOLLOWING NURSING HOMES ARE REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:**

Raintree Health and Rehab, McMinnville

**13. REGULATION(S).**

**A. BOARD APPROVAL FOR RULEMAKING HEARING.**

- (1) Ambulatory Surgical Treatment Center Rules 1200-08-10-Medtronic & TMA proposed changes

**14. ORDERS.**

**A. Consent Orders.**

**B. Orders.**

**15. OTHER BUSINESS.**

**A. OHCF P& P 240 – Facility Plans of Correction (POC)**